

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CIVIL ACTION NO. 5:14-CV-80**

THOMAS E. PEREZ, Secretary of Labor,  
U.S. Department of Labor,

**Plaintiff,**

**v.**

RADFORD QUARRIES OF BOONE, INC.,  
DANNY J. CECILE, RAYMOND S.  
CECILE, D.J. (JACOB) CECILE,

**Defendants.**

**ORDER**

Pursuant to Federal Rule of Civil Procedure 65(a)(2), *Gellman v. State of Md.*, 538 F.2d 603 (4th Cir. 1976), and in the interests of judicial efficiency, the Court is providing advance notice that it is consolidating the hearing on the preliminary injunction with a trial on the merits. Rule 65(a) permits a district judge to "advance the litigation and save court time by pursuing such a course on his own motion where, as here, the litigants have not moved him to do so." *Singleton v. Anson Cnty. Bd. of Ed.*, 387 F.2d 349, 351 (4th Cir. 1967). The Court notes that Defendants have not appeared or responded in any manner and that Plaintiff has not requested a trial by jury. Therefore, Counsel should prepare for a bench trial. The Clerk is directed to serve Defendants with this notice by mail.

Signed: November 20, 2014



Richard L. Voorhees  
United States District Judge

